

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NICHOLAS BERKSMAN,

Plaintiff,

-against-

JOHN WHITEDUCK et al.,

Defendants.

23-CV-1486 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

As discussed at today's hearing, Defendants' application to add five photographs to the exhibit list is granted. Dkt. 106. Plaintiff's motion to preclude the questioning of Dr. Mandelbaum about the OIG agreement is granted. Dkt. 110. Plaintiff should email the settlement agreement to the Court for in camera review by 5:00 PM today, May 20, 2024.

If the parties have any objections to the proposed voir dire questions, they should email the Court noting those objections (with all parties copied on the email) by 5:00 PM today, May 20, 2024.

Defendants should send the Court an email (with plaintiff copied) by 5:00 PM tomorrow, May 21, 2024, noting any authority for instructing the jury on the Vehicle and Traffic Law.

The parties should meet and confer on the parts of the verdict sheet related to damages and submit a joint proposal of how those parts can be streamlined by 5:00 PM on Wednesday, May 22, 2024. The parties should also incorporate the changes discussed at today's conference—that is, they should clarify that if Mr. Whiteduck is found negligent, then JED Trucking is liable.

Finally, the parties are reminded that if any disputes arise prior to a trial day, they should arrive at the Court and be prepared to discuss those disputes at 8:30 AM. Otherwise, counsel should be ready to begin at 9:00 AM each day. Plaintiff Nicholas Berksman and the principal decisionmaker for the defendants are to attend trial.

SO ORDERED.

Dated: May 20, 2024

New York, New York



ARUN SUBRAMANIAN  
United States District Judge